

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

March 27, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 09HD-018

**HAWAII**

Issuance of Right-of-Entry Permit to the County of Hawaii on Lands Encumbered  
by Revocable Permit No. S-7423, Poupouwela, Kau, Hawaii, Tax Map Key: 3<sup>rd</sup>/  
9-5-12: 2.

**APPLICANT:**

County of Hawaii, Department of Environmental Management, Wastewater Division,  
whose business and mailing address is 108 Railroad Avenue, Hilo, Hawaii 96720.

**LEGAL REFERENCE:**

Sections 171-55, Hawaii Revised Statutes, as amended.

**LOCATION:**

Portion of Government lands of Kaunamano Homesteads situated at Poupouwela, Kau,  
Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/ 9-5-12: 2, as shown on the attached map labeled  
Exhibit A.

**AREA:**

152.16 acres, more or less.

**ZONING:**

State Land Use District:      Agriculture  
County of Hawaii CZO:        Ag-20A

**TRUST LAND STATUS:**

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES \_\_\_\_\_ NO   x  

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7423, to Richard E. Souza and Donna Lee Souza, dba: R&D Farm, Permittee, for Pasture purposes.

CHARACTER OF USE:

Survey for development feasibility study purposes.

TERM OF RIGHT-OF-ENTRY:

Six (6) months, to commence upon date of this Board action and to expire upon completion of the survey, or whichever is the sooner.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable as the Applicant is a government agency, and therefore, exempt from registering with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from Richard and Donna Souza, dba: R&D Farm, and all other users of the subject land.

REMARKS:

By letter dated February 20, 2009, the County of Hawaii, Department of Environmental Management, requested a Right-of-Entry onto State lands at Poupouwela, Kau, Hawaii, identified as Tax Map Key: 3<sup>rd</sup>/ 9-5-12:2. Purpose of the Permit is to allow the County of Hawaii, its consultants, and/or persons acting for or on its behalf to enter the State parcel to conduct surveys necessary for determining the suitability of the site for its proposed project. The County of Hawaii is planning a wastewater collection and treatment system for a portion of the Naalehu community. The wastewater system would serve properties which are connected to the old sewer system owned and operated by C. Brewer, Ltd. and is also intended to service Naalehu School. A conceptual plan of the proposed wastewater treatment plant project indicates a utilization of about ten (10) acres, with a 150-foot wide buffer surrounding the site. The County of Hawaii estimates the time required for this right-of-entry to be six (6) months, or until it completes the necessary surveys.

Should the feasibility study confirm the suitability of the subject property for the proposed wastewater treatment project, the county will then submit a separate request for disposition of the parcel.

The subject parcel is currently encumbered under Revocable Permit No. S-7423 to Richard E. Souza and Donna Lee Souza, dba: R&D Farm, for pastoral purposes. On March 9, 2009, the County of Hawaii obtained written concurrence from Richard Souza, to the granting of the subject right-of-entry over his permit area. (Exhibit B)

Staff is recommending that this permit be issued at gratis. This is a government related project, where no entity will gain monetarily from its use and is strictly for survey purposes only.

No agency or community comments were solicited as this request is only for survey purposes and does not involve a disposition of State lands.

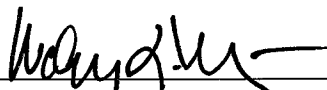
RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the County of Hawaii, its consultants, contractors, and/or persons acting for or on its behalf (hereinafter referred to as Permittee), covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Permittee shall coordinate with Mr. Souza a schedule and procedure for entering the right-of-entry area, so as not to interfere or disrupt the cattle operation;

3. Upon completion of the feasibility study, Permittee will provide the Hawaii District Land Office a copy of its findings when the survey report becomes available;
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
5. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its need to conduct surveys of the property.

Respectfully Submitted,

  
Wesley T. Matsunaga  
Land Agent

APPROVED FOR SUBMITTAL:

  
Laura H. Thielon, Chairperson





**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WASTEWATER DIVISION**

COUNTY OF HAWAII - 108 RAILROAD AVENUE - HILO, HI 96720  
HILO (808) 961-8338 FAX (808) 961-8644

March 9, 2009

Mr. Richard E. Souza, dba: R&D Farm  
P. O. Box 30  
Na'alehu, Hawai'i 96772

**Subject: State Parcel in Na'alehu, Hawai'i, TMK 9-5-012:002**

Mr. Richard E. Souza:

As per our previous discussion, the County of Hawai'i Department of Environmental Management, Wastewater Division (WWD) is currently in the process of determining the feasibility of utilizing State-owned property in Na'alehu, Hawai'i for the installation of a Wastewater Treatment Plant (WWTP) to serve a portion of the Na'alehu Community.

Essentially, the County will be taking over and replacing the entire wastewater system currently owned and operated by C. Brewer, Ltd. due to the impending closure of the company in order to assist current residents serviced by the existing system.

1. While initial plans called for installation of a septic tank system on the existing property with the Large Capacity Cesspool (LCC) located on TMK 9-5-024:011; it was recently confirmed that an additional independent LCC exists on TMK 9-5-024:010. Further, percolation testing of the existing LCC on TMK 9-5-024:011 has indicated that the percolation rate is insufficient to allow disposal of treated effluent from the entire community currently served by the C. Brewer system.
2. Based on the low percolation rate (3 gpm) found on TMK 9-5-024:011, the WWD is exploring the feasibility of installing a WWTP on the State property for which your business currently has a month-to-month revocable permit for pasture purposes.

While only in the conceptual study phase, the WWTP would offer the following advantages to the Na'alehu Community:

1. Possible expansion of the sewer collection system to service additional properties in the Na'alehu community, including properties adjacent to an existing potable water source.
2. Potential connection of the Na'alehu School to the sewer system. While the Department of Education (DOE) originally planned to install septic systems within the school property they are currently exploring the option of connecting the school to a County-owned system.
3. A conceptual drawing of the currently planned sewer system and potential future expansion of the sewer collection system to serve the community is provided as Attachment (1) herein.

Hawai'i County is an equal opportunity provider and employer.

**EXHIBIT B**

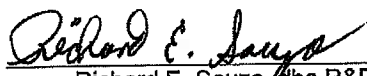
090309 TMK 9-5-012:002, State Parcel – Richard Souza  
Page 2 of 2

While only in the conceptual study phase, it is estimated that approximately ten (10) acres of land would be required for the WWTP and its effluent disposal system in order to serve the future needs of the community.

1. A current conceptual plan is to locate the WWTP below the State Right-of-Way shown on Tax Map Key maps and the Hawai'ian Electric Light Company (HELCO) easement located below the Na'alehu community.
2. A 150 foot buffer would also be provided from the Right-of-Way as well as adjacent properties in order to minimize the effects of any nuisance odors and to provide access to portions of the property located below the WWTP.
3. A copy of the conceptual location plan for the WWTP is provided as Attachment 2 herein.

The Department of Land and Natural Resources (DLNR) Land Division has requested a letter of concurrence from you in order that a Right-of-Entry (ROE) can be granted to allow us to continue with a feasibility study for installation of a WWTP on TMK 9-5-012:002.

- Work associated with a feasibility study would include topographic surveys, boundary surveys, geotechnical studies, as well as site reconnaissance of the area.
- Should granting of a ROE from the State DLNR for the purposes of conducting the feasibility study for installation of a WWTP on the property be acceptable to you, it is requested that your concurrence be provided below and that a copy of the signed document be returned to the WWD at the address indicated on the letterhead.



Richard E. Souza, dba R&D Farm  
(Signature/Date)

Concur with Granting ROE for TMK 9-5-012:002  
to the County of Hawai'i and Consultants for the  
Purpose of Performing a Feasibility Study for  
Installation of a WWTP on the Property

Should you have any comments or questions on the above, please contact me at 808-961-8333 ([lhirota@co.hawaii.hi.us](mailto:lhirota@co.hawaii.hi.us)) or on my cell at 808-936-4498. You may also contact Ms. Dora Beck, P.E., Division Chief at 808-961-8513 ([dbeck@co.hawaii.hi.us](mailto:dbeck@co.hawaii.hi.us)).

Sincerely,



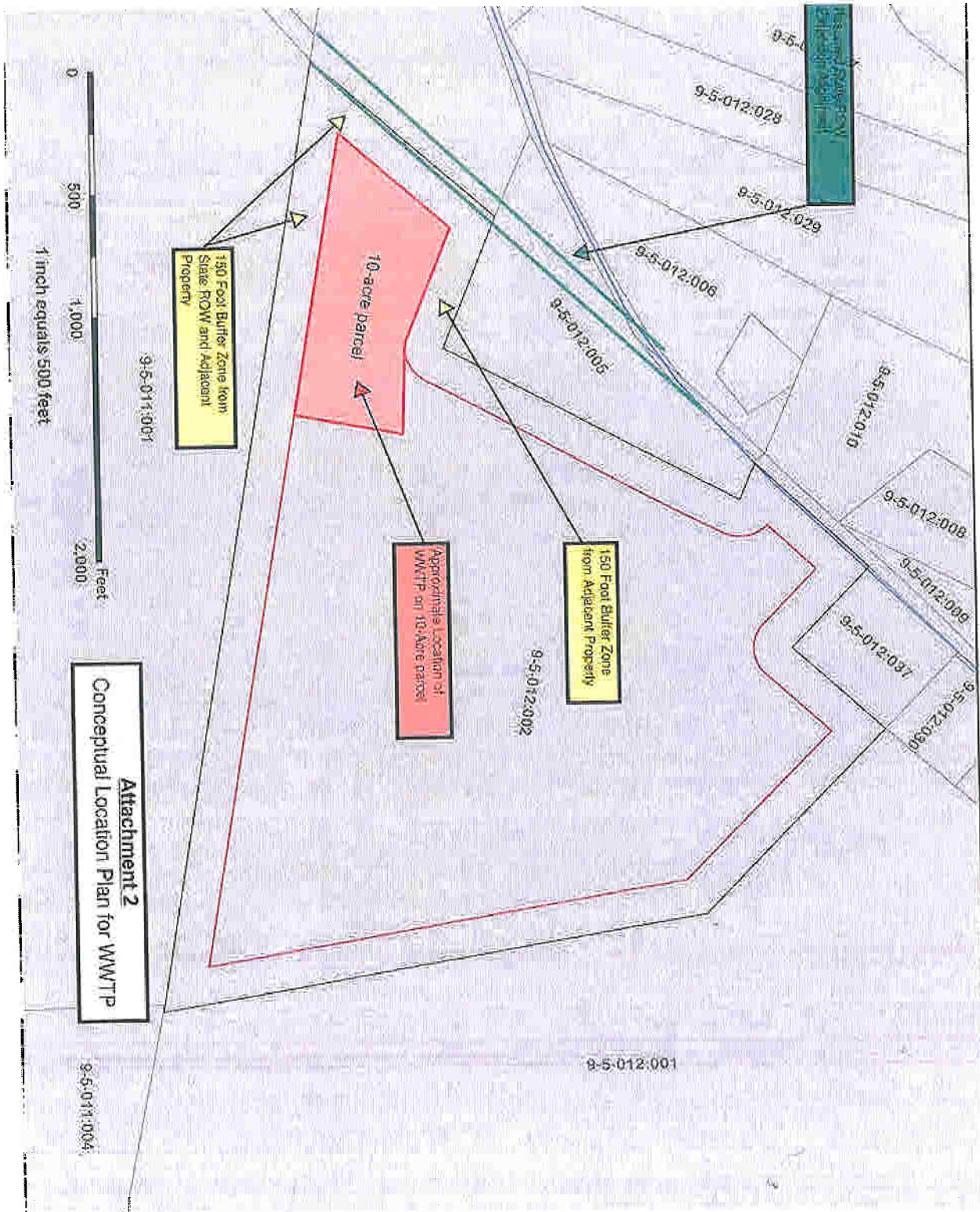
Lyle Hirota  
Deputy Division Chief

cc: Dora Beck, P.E., Division Chief  
Ivan Torigoe, Deputy Director  
Wesley T. Matsunaga, DLNR Land Agent









## EXHIBIT B